

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

\*

ADM File No. 2010-08

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee. The State Bar of Michigan has authorized the Criminal Jurisprudence & Practice Committee to advocate its position.

The State Bar of Michigan's position on this matter is to support with recommended amendments.

The total membership of the Criminal Jurisprudence & Practice Committee is 19.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 19. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0.

## Report on Public Policy Position

### **Name of committee:**

Criminal Jurisprudence & Practice Committee

### **Contact persons:**

Hon. David Hoort  
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### **Proposed Court Rule Amendment:**

[ADM File No. 2010-08 Proposal to Rescind Administrative Order No. 2003-7 and Adopt Administrative Order No. 2010-X \(Caseflow Management Guidelines\)](#)

This proposal would update the guidelines contained in Administrative Order 2003-7. The following list summarizes the changes that would be made by the proposed order.

1. Add to the beginning of the order language about good cause for delays and remove related language from specific case categories.
2. Move to the beginning of the order language about matters submitted to judge (this language currently exists at the end of the order).
3. Eliminate all interim guidelines, leaving only initial and final guidelines.
4. Decrease time for adjudicating 90% of mental illness petitions from 14 to 7 days. This time frame would apply to probate and circuit courts.
5. Eliminate guidelines for miscellaneous cases in probate court.
6. Decrease the percentage for preliminary examinations within 14 days from 100% to 80%. Add a 100% guideline for conclusion within 28 days. Extend the goals to include both commencement and conclusion of the examination.
7. Increase the time for adjudicating 90% of divorce cases without children from 91 to 182 days.
8. Increase the time for adjudicating 90% of divorce cases with children from 245 to 301 days.
9. Eliminate guidelines for responding interstate registration cases.
10. Increase the time for adjudicating name change from 91 to 126 days.
11. Increase the time for adjudicating 90% of felony cases from 91 to 154 days.

### **Date position was adopted:**

April 26, 2010

### **Process used to take the ideological position:**

Position adopted after discussion and e-vote.

### **Number of members in the decision-making body:**

19

**Number who voted in favor and opposed to the position:**

15 Voted for position  
0 Voted against position  
4 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

Administrative Order No. 2003-7 was issued by the Michigan Supreme Court, effective January 1, 2004. SCAO heard much feedback from the trial courts that some of the time guidelines were not reasonable and would lead to unattainable caseload management plans [especially the guideline that says 100% of Preliminary Examinations need to be commenced within 14 days].

In the Spring of 2009, the Michigan Supreme Court convened eight separate workgroups, each one dedicated to a separate portion of the time guidelines. SCAO invited designees from many participating associations, including judges, district court magistrates, court administrators, law enforcement, prosecutors and defense attorneys. Prior to convening the workgroups, SCAO also conducted approximately 48 on-site court assessments of caseload management. These workgroups and assessments assisted SCAO in determining whether to recommend that the Michigan Supreme Court change Administrative Order No. 2003-7.

This ADM File No. 2010-08 is the Michigan Supreme Court's proposed modifications of the time guidelines based on the workgroups and assessments.

The committee believes these proposed changes to the time guidelines will allow Michigan courts to adopt more attainable caseload management plans, while still not sacrificing the timely administration of justice for litigants who appear before the trial courts in Michigan.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-08.pdf>